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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,447	04/27/2001	Peter James Duffett-Smith	41253	7010

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EXAMINER	
RAMPURIA, SHARAD K	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/830,447	DUFFETT-SMITH ET AL.	
	Examiner	Art Unit	
	Sharad K. Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the application filed on 4/27/01.

Accordingly, Claims 1-15 are imminent for further assessment as follows:

Priority

III. Receipt is acknowledged of papers submitted under 35 U.S.C. 1 19(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

IV. The office acknowledges receipt of a properly signed oath/declaration.

Drawings

V. The receipt of drawings filed on is accepted by examiner.

Information Disclosure Statement

VI. The Information Disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Specification

VII. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
(1) Field of the Invention.
(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

VIII. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kelley et al. (US 5,689,270).

Regarding claim 1, Kelley disclosed A method of generating a list of offsets in time, phase, frequency, or derivatives thereof, or their equivalents expressed as offsets in distance or derivatives thereof, of a plurality of transmission source signals, received at a given location, relative to a common reference (abstract), the method comprising

(a) acquiring data from one or more receivers, the positions of which may be known or determined, the data from a receiver comprising offsets in time, phase, frequency, or derivatives thereof, respectively of signals received from the transmission sources relative to a reference source in each receiver or to each other; (col.18; 9-28, col.13; 16-38, col.14; 54-67) and

(b) combining the acquired data and calculating the list of offsets relative to the common reference. (col.18; 29-47)

Regarding claim 2, Kelley disclosed A method of generating a list of offsets in time, phase, frequency, or derivatives thereof, or their equivalents expressed as offsets in distance or

derivatives thereof, of a plurality of transmission source signals, received at a given location, relative to a common reference (abstract), the method comprising

(a) acquiring data from one or more receivers, the positions of which may be known or determined, the data from a receiver being representative of the received signals; (col.18; 9-28)

(b) determining from the acquired data the offsets in time, phase, frequency, or derivatives thereof, respectively of signals received from the transmission sources relative to a reference source or to each other; (col.18; 9-28, col.13; 16-38, col.14; 54-67) and

(c) combining the offsets so determined and calculating the list of offsets relative to the common reference. (col.18; 29-47)

Regarding claim 3, Kelley disclosed A radio positioning method for determining the position of one or more receivers the positions of which are unknown, which method includes the method of claim 1 or claim 2. (120-1 thru120-3; fig.1; col.4; 56-65)

Regarding claim 4, Kelley disclosed A radio positioning method according to claim 3, wherein the common reference comprises an external reference. (external time reference; col.17; 40-50)

Regarding claim 5, Kelley disclosed A radio positioning method according to claim 4, wherein the common reference comprises a GPS signal. (GPS; col.17; 40-50)

Regarding claim 6, Kelley disclosed A radio positioning method according to claim 3, wherein the step of acquiring data from said one or more receivers includes instigating acquisition of said data from a common location. (CPU; col.18; 29-47)

Regarding claim 7, Kelley disclosed A radio positioning method according to claim 3, wherein the step of acquiring data from said one or more receivers includes instigating acquisition of said data from each said receiver at times determined by each said receiver. (col.18; 29-47)

Regarding claim 8, Kelley disclosed Apparatus for generating a list of offsets in time, phase, frequency, or derivatives thereof, or their equivalents expressed as offsets in distance or derivatives thereof, of a plurality of transmission source signals, received at a given location, relative to a common reference (abstract), the apparatus comprising
(a) means for acquiring data from one or more receivers, the positions of which may be known or determined, the data from a receiver comprising offsets in time, phase, frequency, or derivatives thereof, respectively of signals received from the transmission sources relative to a reference source in each receiver or to each other; (col.18; 9-28, col.13; 16-38, col.14; 54-67) and
(b) means for combining the acquired data and calculating the list of offsets relative to the common reference. (col.18; 29-47)

Regarding claim 9, Kelley disclosed Apparatus for generating a list of offsets in time, phase, frequency, or derivatives thereof, or their equivalents expressed as offsets in distance or

derivatives thereof, of a plurality of transmission source signals, received at a given location, relative to a common reference (abstract), the method comprising

(a) means for acquiring data from one or more receivers, the positions of which may be known or determined, the data from a receiver being representative of the received signals; (col.18; 9-28)

(b) means for determining from the acquired data the offsets in time, phase, frequency, or derivatives thereof, respectively of signals received from the transmission sources relative to a reference source or to each other; (col.18; 9-28, col.13; 16-38, col.14; 54-67) and

(c) means for combining the offsets so determined and calculating the list of offsets relative to the common reference. (col.18; 29-47)

Regarding claim 10, Kelley disclosed A radio positioning system including apparatus according to claim 8 or to claim 9. (DPLL; col.3; 2-9 & col.5; 12-16)

Regarding claim 11, Kelley disclosed A radio positioning system according to claim 10, wherein the common reference comprises a reference external to said receivers. (external time reference; col.17; 40-50)

Regarding claim 12, Kelley disclosed A radio positioning system according to claim 11, wherein the common reference comprises a GPS signal. (GPS; col.17; 40-50)

Regarding claim 13, Kelley disclosed A radio positioning system according to claim 10, wherein the means for acquiring data from said one or more receivers includes a computer

system arranged to instigate the transfer of said data from said one or more receivers to said computer system at times determined by said computer system. (col.18; 29-47)

Regarding claim 14, Kelley disclosed A radio positioning system according to claim 10, wherein the means for acquiring data from said one or more receivers includes a computer system, and including means for instigating said acquisition of data from each said receiver at times determined by each said receiver. (col.18; 29-47)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. in view of Freeburg et al. (US 6,108,315).

Regarding claim 15, Kelley disclosed all the particulars of the claim except A digital telephone network. However, Freeburg teaches in an analogous art, that A digital telephone network, including a radio positioning system according to claim 10. (10; fig.1; col.2; 26-32) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention

to include A digital telephone network in order to provide a location information for radio station in such a network.

Conclusion

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or *EBC@uspto.gov*.

Sharad Rampuria
Patent Examiner
Art Unit 2617

GEORGE ENG
SUPERVISORY PATENT EXAMINER